


Commissioner Decision Report 21 th September 2015	 TOWER HAMLETS
Report of: Andy Bamber – Service Head of Safer Communities	Classification: Unrestricted
Youth Opportunity Fund (YOF) Grant 15/16	

Originating Officer(s)	Hasan Faruq
Wards affected	All wards
Key Decision	Yes
Community Plan Theme	All

1. Executive Summary

- 1.1 Youth Opportunity Fund (YOF) is a grant allocated by young people and worth £200,000 to be used on youth activities and projects that are of benefit to them and their local community.
- 1.2 The YOF programme is in line with the United Nations Convention on the Rights of the Child (UNCRC) with a key principle of ensuring participation of children and young people. Tower Hamlets have also signed up with UNICEF Child Rights Partners programme aimed at putting child rights at the heart of public services¹.
- 1.3 It was set up by the Labour Government in 2005 in line with Youth Matters Green Paper to support the most deprived areas in the country with additional funding for youth projects. The aim of the programme was to empower young people and to give them more choice and influence over provision and facilities in their area².
- 1.4 Through these funds young people will have a central role as decision makers, grant givers, project leaders and participants. Panel members are made up young people who take part on a voluntary basis and are trained in grant giving.
- 1.5 It targets young people aged 13-19 and those up to 25 with Special Educational Needs (SEN) and Learning Difficulties and/or Disabilities (LDD).

¹ <http://www.towerhamlets.gov.uk/default.aspx?page=21144>

² www.education.gov.uk/publications/eOrderingDownload/DFES-0282-2006.pdf

2. Recommendations

The Commissioners are recommended to:

- Agree the proposal of the PAYP/YOF Grant Board to allocate grants for the YOF programme this year to the 32 organisations for the amounts shown as highlighted in green on the spreadsheet attached as Appendix 1, such grant awards totalling £66,427.

3. REASONS FOR THE DECISIONS

- 3.1 The decisions are required in order that the Council is able to deliver a successful YOF programme to keep young people engaged in decision making processes and have an influence over youth provisions.

4. ALTERNATIVE OPTIONS

- 4.1 Not to deliver a YOF programme. This would have adverse consequences for poorer families, those with young people with special needs and potentially impact negatively on ASB. In addition, the Council has signed up the Child Rights Charter with UNICEF and YOF is a key programme in support of this.

5. DETAILS OF REPORT

- 5.1 The Commissioners approved the establishment of an independent PAYP/Youth Opportunity Fund programme board to oversee the PAYP and YOF grant. Following recruitment to the Board the First meeting of the independent PAYP/YOF Grant Board, chaired by MPS Chief Inspector Mark Long, took place on Wednesday 6th May to agree terms of reference and confirm membership. On Monday 3rd August the PAYP/YOF Grant Board met to ratify the recommendations made by the YOF Young People's Panel.
- 5.2 The current round of the YOF programme was advertised on 11 May 2015 in the East End Life and the Councils' own website. Applicants were required to submit an application with a return deadline of 29 May 2015. All applicants were invited to come and present in front of the YOF young people's panel on one of the following 4 dates: 17, 18, 24 and 25 June 2015.
- 5.3 The YOF panel heard presentations from 55 projects and scored each project against standard criteria.
- 5.4 55 applications were submitted. The details are set out in Appendix 1. 32 applications were recommended for funding:
- 32 applications were rated GREEN and recommended for approval by the Board;
 - 23 applications were rated RED and are recommended for rejection.

- 5.5 Of the 32 applications approved 16% include a SEN or LDD element. This is considered a good level of targeting given that there is limited capacity within the third sector in this area.
- 5.6 Looking at the geography of applications to the grant programme, there was a higher concentration of 3rd Sector organisations physically located in the centre and west of the borough. The service is, therefore, compensating in the short term with a stepped up programme of direct provision of activities in areas where there are a significant proportion of the target cohort but no eligible grant awards or no applications received. This will take account of other provision in these areas provided by charities, schools and third sector organisations who have not targeted these awards for funding but are providing diversionary activities for the target cohort. Areas where such a stepped up programme of direct delivery may be required comprise Bow East, Bromley North and South, Lansbury, Mile End, St Peters and Stepney Green.
- 5.7 In the medium term targeted marketing and a review of the weighting associated with these grants will be undertaken to encourage third sector applications under this scheme to align even more closely to the geographical disposition of the target cohort and need. The application form and evaluation criteria are also to be reviewed before the next round is advertised and reported to the Commissioners as part of the commitment to best value continuous improvement.
- 5.8 The grant is paid 70% in advance with a 30% retention based on evidenced review of delivery. Corporate arrangements for recovery of grant monies are used in the event of default or failure to evidence delivery. Each recipient organisation will be inspected by Youth Involvement Officers and the Youth Grants Panel during the period of delivery. End of delivery review requires the production of receipts and evidence of outputs achieved which is the subject of review and checks before the final payments are released.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 The report sets out the decisions of the Independent PAYP/YOF Board for consideration by the Commissioners to approve the recommendations.
- 6.2 The report seeks the Commissioners agreement to allocate grants to those organisations identified as green on the spreadsheet . A total of 32 applications were submitted requesting grants totalling £175,843. The Independent PAYP/YOF Board approved 32 organisations for grant awards that total £66,427 for the YOF programme.
- 6.3 It is proposed that the payments will be made in instalments to each of the organisations awarded a grant. It is recommended that an advanced grant payment of 70% be made. The 30% retention will be released on evidence of delivery. This is the first allocation of the grants from within the 2015/16 budgetary provision of £200,000 to meet the costs of the YOF programme.

7. LEGAL COMMENTS

- 7.1 The power of the commissioners to make decisions in relation to grants arises from directions made by the Secretary of State on 17 December 2014 pursuant to powers under sections 15(5) and 15(6) of the Local Government Act 1999 (the Directions). Paragraph 4(ii) and Annex B of the Directions together provide that, until 31 March 2017, the Council's functions in relation to grants will be exercised by appointed Commissioners, acting jointly or severally. This is subject to an exception in relation to grants made under section 24 of the Housing Grants, Construction and Regeneration Act 1996, for the purposes of section 23 of that Act (disabled facilities grant).
- 7.2 To the extent that the Commissioners are exercising powers which would otherwise have been the Council's, there is a need to ensure the Council has power to make the grants in question.
- 7.3 Section 507B of the Education Act 1996 places a duty on local authorities to promote the well-being of young people aged 13-19 (and persons up to 25 years with learning difficulties or disabilities) by securing access for them to sufficient educational and recreational leisure time activities and facilities, so far as reasonably practicable. The Council can fulfil the duty by providing activities and facilities, assisting others to do so, or by making other arrangements to facilitate access, which can include the provision of transport, financial assistance or information.
- 7.4 Before taking any action in relation to activities and facilities for young people aged 13 – 19 (and up to 25 for young people with learning difficulties), the Council must consider whether it is expedient for the action to be taken by another person. The Council must consult for the purposes of determining this question. If it is so expedient, then the Council must take all reasonable steps to enter into an agreement or make arrangements with such a person for that purpose. The conduct of a grants scheme in relation to relevant activities, supported by grant agreements, may be consistent with these obligations.
- 7.5 When exercising its functions under section 507B of the Education Act 1996, the Council must take steps to ascertain the views of qualifying young persons in Tower Hamlets (i.e. young people aged 13 – 19 or up to 25 in the case of young people with learning difficulties). The Council must have regard to statutory guidance issued under the section which, the current version is the Statutory Guidance for Local Authorities on Services and Activities to Improve Young People's Well-being. The guidance confirms that Local authorities should use planning and commissioning processes to identify the most appropriate providers and utilise the strengths of organisations within the voluntary and private sectors.
- 7.6 The proposed scheme may additionally be supported by others of the Council's statutory powers, such as its general power of competence. Section

1 of the Localism Act 2011 gives the Council a general power of competence to do anything that individuals generally may do, subject to specified restrictions and limitations imposed by other statutes. This general power of competence may support the giving of grants to community groups, provided there is a good reason to do so. There may be a good reason for giving a grant if it is likely to further the Council's sustainable community strategy which is contained within the Tower Hamlets Community Plan.

- 7.7 The Council has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This is referred to as the Council's best value duty and the following matters are relevant to discharge of the duty –
- The scheme is advertised and, to this extent, the grants are exposed to a degree of competition.
 - Applications are assessed against pre-defined criteria designed to ensure benefits are delivered in Tower Hamlets Based on this the Council should be able to demonstrate a direct benefit accrued from the money spent under each grant.
- 7.8 There should be a grant agreement for each grant and provision made to ensure delivery of the projects in line with the application and approval and in the event of non-delivery to protect the Council's position. Robust monitoring requirements need to be in place and appropriate performance related payment mechanisms introduced into the terms of any grant award.
- 7.9 When making grants decisions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). A proportionate level of equality analysis is required to discharge the duty and information relevant to this is contained in the One Tower Hamlets section of the report.
- 7.10 With regard to equalities it is appreciated that the spread of grant awards is not even across the borough. This has the potential to lead to individuals who are not geographically able to access these schemes being disadvantaged. However, regard has been had to this and the proposal is to redress any imbalance by the Council offering additional services to ensure that similar schemes and projects are available borough wide.
- 7.11 When implementing the schemes, the Council must ensure that no part of the funds issued represents a profit element to any of the recipients. The inclusion of profit or the opportunity of making a profit from the grant or third parties indicates that the grant is really procurement activity and would otherwise be subject to the Council's Procurement Procedures and other appropriate domestic and European law. This would mean therefore, that the Council would have failed to abide by the appropriate internal procedures and external law applicable to such purchases.

- 7.12 All the proposed grants appear to fall under the *de minimis* threshold for the purposes of European restrictions on State aid.

8. ONE TOWER HAMLETS CONSIDERATIONS

- 8.1 The programme encourages applications for grants to demonstrate they contribute to the board aims of tackling inequality, and building community cohesion.
- 8.2 The award recommendations have been subject to an equalities assessment accompanying this report and is attached as Appendix 2 & 3. Those aspects of this programme for which there is a shortfall in applications or eligible applications capable of securing a recommendation for award will be the subject of compensatory provision delivered directly by the Council from its network of youth centres where there is limited alternative provision.

9. BEST VALUE (BV) IMPLICATIONS

- 9.1 An itemised costs breakdown of the programme is required to ensure the panel can assess value for money. The breakdown can cover costs such as tutors, premises, insurance, transport, offsite activities, residential and outdoor activities. The purchase of equipment is permissible but must be an essential part of the project. It is strongly encouraged that where possible options to borrow/hire or match fund are considered first.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 Provision of local activities for residents within walking distance of their homes can contribute to fewer car journeys.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 To ensure that the risks are minimised, each project/organisation allocated grant under the scheme has been required to meet an initial eligibility threshold. Recipient organisations will be required to comply with standard grant agreement terms established corporately. Appropriate performance targets will be set and an evidenced evaluation of delivery and compliance will be carried out at the end of the delivery period. 30% of the grant allocation is retained until delivery is successfully evidenced to the satisfaction of the Council to reduce exposure to any delivery failure or loss of funds.

13. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 13.1 YOF programme helps to engage a sizable youth population who otherwise may be involved in ASB and delinquent behaviour. The YOF programme promotes volunteering to maintain longer term commitment from young people and receive regular support. In addition, all successful applicants/organisation must sign up to the Tower Hamlets Hate Crime Pledge.

14. SAFEGUARDING IMPLICATIONS

- 14.1 All successful organisations are required to submit DBS checks of all their staff working on the programmes and these are checked against the Prevent database to ensure that all safety precautions have been taken to avoid any safeguarding breaches. External tutors are also vetted for safe working.
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Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendix 1 – YOF Spreadsheet
- Appendix 2 – Equality Impact Assessment
- Appendix 3 – Equality Analysis Quality Assurance Checklist

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None.

Officer contact details for documents:

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